



APPL. NO. 09/933,708
ATTY. NO.: 54719.000028

1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)
)
Thomas PICCARIELLO et al.) Group Art Unit: 1653
)
Application Number: 09/933,708) Examiner: To Be Assigned
)
Filed: August 22, 2001) Confirmation No.: 6976
)
For: ACTIVE AGENT DELIVERY SYSTEMS AND METHODS FOR PROTECTING
AND ADMINISTERING ACTIVE AGENTS

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Second Petition to Expunge Under 37 C.F.R. 1.59(b)

MAIL STOP PETITON

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the dismissed Petition under 37 C.F.R. 1.59(b) mailed June 30, 2003 and a telephone call with Examiner Dixon on June 5, 2003 Applicants herein submit a second Petition to Expunge under 37 C.F.R. 1.59(b).

Applicants request that items P55-P86 as identified below from the Information Disclosure Statement filed on March 26, 2003 be returned as the information disclosed therein was unintentionally submitted.

P55	Presentation to Knoll Pharmaceutical, April 10, 2000.
P56	Investment Banking Presentation, March 27-31, 2000
P57	Pharma Presentation, March 27-31, 2000, New York, NY.
P58	Deutsche Banc Alex Brown 2000 Health Care Conference Presentation, May 10, 2000, Baltimore, MD.
P59	April 7, 2000, Letter to Credit Suisse First Boston Corporation
P60	April 7, 2000, Letter to Chase, Hambrecht and Quist
P61	April 7, 2000, Letter to Banc of America Securities, LLC
P62	April 7, 2000, Letter to Johnson & Johnson
P63	April 7, 2000, Letter to AstraZeneca LP

P64	April 7, 2000, Letters to Bear, Stearns & Company, Inc.
P65	Bankers Presentation, March 27-31, 2000
P66	Pharmaceutical Presentation, March 27-31, 2000
P67	KPMG Auditors' Report, March 12, 1999
P68	Final Report, Study Completion Date June 25, 1998
P69	Investment Banking Presentation, March 27-31, 2000
P70	Pharmaceutical Presentation, March 27-31, 2000
P71	Deutsche Banc Alex Brown 2000 Health Care Conference Presentation, May 10, 2000, Baltimore, MD.
P72	Investment Banking (short) Presentation, April 27, 2000
P73	Investment Banking (long) Presentation, April 27, 2000
P74	Banc of America Presentation
P75	Pharma Presentation, April 2000
P76	AstraZeneca Presentation
P77	"Promise of Polythroid," Presentation, March 2000
P78	"Introducing Polythroid," Presentation, March 2000
P79	Investment Banking Presentation
P80	Pharma Presentation, March-April
P81	Deutsche Banc Alex Brown 2000
P82	August 31, 1999 Presentation to Scios, Inc.
P83	February 2000 Presentation to Andrx
P84	March 15, 2000 Presentation to BASF
P85	Original Presentation to BASF
P86	February 10, 2000 Lotus Presentation

Given the timeliness of this request, Applicants believe the United States Patent Office can effect such a return prior to the issuance of any patent on the application. Applicants' Information Disclosure Statement inadvertently included information with propriety material which has not otherwise been made public and failure to obtain its return would cause irreparable harm to the party who submitted the information on whose behalf the information was submitted. Petitioners will retain such information

for the period of any patent with regard to which such information was submitted. The petition to expunge is being submitted on the behalf of the party of interest who originally submitted the information. The fee set forth under 37. C.F.R. 1.17(h) of \$130.00 for a petition under 37 C.F.R. 1.59(b) was enclosed with the first Petition to expunge and no further fees are believed to be necessary.

Therefore, it is respectfully requested the Information Disclosure Statement be expunged and returned to Applicants. It is believed no fee due as this second Petition is timely filed as requested by Examiner Dixon. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: July 10, 2003

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